Criminal Appeal No.1010 of 2001
(Old No. 1839/1981)

State of U.P. ..... Appellant

Vs.

Mitra Dev ..... Respondent.

**Hon.M.C.Jain,J.**

Heard learned A.G.A.

Through this appeal, the State has challenged the judgment of acquittal dated 16.5.1981 passed by the then C.J.M., Pithoragarh inc case no.6 of 1981 u/s 7/16 of the Prevention of Food Adulteration Act.

The accused/respondent was charged and prosecuted u/s 7/16 of the Prevention of Food Adulteration Act for having been found selling adulterated "Arhar Dal' on 16.9.1980 at 4 p.m. at his shop situated at Lohaghat.

On hearing the learned A.G.A. and goind through the judgment of the lower Court, it is found that the acquittal is well justified as the absence of independent witnesses had not at all been explained though the sample had allegedly been taken in the market in day time. Moreover, the Food Inspector did not state on oath before the Court that he had sent form no.7 alongwith sample by registered post to the public analyst. The result was that the Public Analyst could not compare the impression sent with that of form no.7.

The appeal has no merit and is hereby dismissed.

**(M.C.Jain, J.)**

Dt. 29.8.2001

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